

REMARKS

Claims 1-34 and 36 remain pending in the above-identified application and stand allowed.

In the Ex Parte Quayle Action, the Examiner requests copies of the nine (9) references listed in the IDS of March 24, 2005 (which are as follows). Copies of the 9 references are enclosed with the instant reply along with a copy of the originally filed PTO-1449 form, which the Examiner is respectfully requested to initial and return to the Offices of the Undersigned.

WO-00/39116-A1
WO-00/31063-A1
WO-95/31451-A1
WO-02/057265-A1
WO-01/021591-A1
WO-99/57101-A1
WO-98/56377-A1
WO-98/52941-A1
WO-98/52937-A2

Comments on Reasons for Allowance

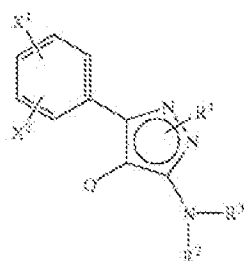
In the outstanding office action in the paragraph bridging pages 2-3, the Examiner remarks on "Reasons for Allowance". The Examiner states in part as follows:

"...The closest prior art is Minami et al. U.S. Pat No. 6,511,997 that have a substituted or unsubstituted phenyl groups on position 3 of the pyrazoles, a pyrazyl groups on position 4 and an optionally substituted amine bound to position 5. These pyrazoles derivatives differ from the instant claims because the instant claims have a pyridyl or pyrimidinyl group attached at 4-position of the pyrazoles ring. The instant claims also are attached to another diazine ring via the ring nitrogen atom of the pyrazoles ring that is not suggested in Minami et al." (Emphasis Added.)

The above statement of the Examiner is partially incorrect, since Minami et al. at column 1, lines 5-42, clearly provide for aminopyrazole derivatives containing a "Q" substituent at

position 4 of the pyrazole ring, wherein Q is defined as being "a pyridyl group or a quinolyl group." (*See Column 1, lines 3-42 of Minami et al. US '997 reproduced immediately below.*)

This invention relates to novel aminopyrazole derivatives or salts thereof. More particularly, it relates to aminopyrazole derivatives represented by the following formula, or salts thereof.



wherein:

X¹ and X² each independently represent a hydrogen atom or a halogen atom, or when X¹ and X² are attached to positions adjacent to each other, they may be united together to form a lower alkylendioxy group;

Q represents a pyridyl group or a quinolyl group;

R¹ represents a hydrogen atom, a substituted or unsubstituted lower alkyl group, or a substituted or unsubstituted aryl group;

R² represents a hydrogen atom, a lower alkyl group, or an aralkyl group in which the aryl moiety may optionally be substituted;

R³ represents a hydrogen atom, an organic sulfonyl group, or ---C(=Y)---R^4 in which R⁴ is a hydrogen atom or an organic residue and Y is an oxygen or sulfur atom;

provided that, when R³ is a hydrogen atom, R¹ is a group other than a hydrogen atom and R² is a hydrogen atom.

Nonetheless, the cited Minami et al. reference does not teach, as stated by the Examiner in the outstanding Office Action, that

"The instant claims also are attached to another diazine ring via the ring nitrogen atom of the pyrazoles ring that is not suggested in Minami et al."

Accordingly, it follows that even though there appears to be a factual error in the Examiner's stated "Reasons for Allowance", that error does not negatively effect the Examiner's previously

arrived at conclusion that pending claims 1-34 and 36 are allowed and patentable under the provisions of Title 35 of the United States Code over the Minami et al. US '997 patent.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of pending claims 1-34 and 36 are allowed and patentable under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: June 11, 2007

Respectfully submitted,

By 

John W. Bailey

Registration No.: 32,881

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Enclosures: Copy of Earlier Submitted PTO-1449 from March 24, 2005 form
and nine (9) references listed thereon.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it carries a valid OMB control number.

Substitute for form 1445A/B/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Application Number	Not Yet Assigned	
			Filing Date	March 24, 2005	
			First Named Inventor	Masahiko HAGIHARA	
			Art Unit	N/A	
			Examiner Name	Not Yet Assigned	
Sheet	1	of	1	Attorney Docket Number	0283-0210PUS1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number/Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ , Number ⁴ , Kind Code ⁵ (if known)				
	BA**	WO-00/39115-A1	07-06-2000			
	BB**	WO-00/31083-A1	06-02-2000			
	BC**	WO-95/31451-A1	11-23-1995			
	BD**	WO-02/057285-A1	07-25-2002			
	BE**	WO-01/021591-A1	03-29-2001			
	BF**	WO-99/57101-A1	11-11-1999			
	BG**	WO-98/56377-A1	12-17-1998			
	BH**	WO-98/52941-A1	11-26-1998			
	BI**	WO-98/52937-A2	11-26-1998			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ** CITE NO.: Those document(s) which are marked with an double asterisk (**) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 601.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published.	T ⁶

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ⁶ Applicant is to place a check mark here if English language Translation is attached.

COPY

Examiner Signature		Date Considered	
--------------------	--	-----------------	--